

REMARKS

Claims 1-7, 12-18, 20, 21, 24-32, 37-43, 45, 46, 49 and 50 are pending in this application. Regarding the status of claims, Applicant notes that although the Office Action lists claim 44 as one of the pending claims, according to the Listing of Claims submitted in the amendment filed on August 14, 2006, claim 44 was canceled.

Examiner rejects all pending claims.

Claims 3 and 28 are canceled without prejudice and claims 1, 2, 4-7, 12-18, 20, 21, 24-27, 29-32, 37-43, 45, 46, 49 and 50 remain pending.

Applicant thanks the examiner for the courtesies extended to Applicant's representative Won Joon Kouh (Reg. No. 42,763) during a telephonic interview on January 17, 2007 to discuss the rejections. During the interview, Applicant's representative presented arguments that the disclosure of the Zeng reference cited by the examiner in the Office Action does not disclose the claimed invention and Zeng, in fact, teaches away from claimed invention. Applicant's representative also presented arguments that the use of the scrap bindered inorganic fibers as claimed improved the claimed product. The examiner stated that a showing in the form of a Rule 1.132 declaration may be made. (See examiner's Interview Summary mailed on January 22, 2007).

For the reasons presented below, Applicant believes that the pending claims are allowable over the cited prior art of record. In further support of Applicant's position, Applicant hereby submits a Rule 1.132 declaration ("Declaration") of the inventor, Alain Yang. The substance of the Declaration is discussed below in reference to the claim rejections.

Objection to Specification

Examiner objects to the specification as failing to provide proper antecedent basis for the upper density limit of 112 kg/m³ recited in the independent claims 1, 25 and 50.

In response, the specification at paragraph [0031] has been amended to recite the upper density limit of 112 kg/m³ consistent with the claimed density limit of 112 kg/m³. This upper density limit of 112 kg/m³ was recited in the originally filed claims 23 and 48, now canceled. Thus, withdrawal of this objection is kindly requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-7, 12-18, 20, 21, 24-32, 37-43, 45, 46, 49 and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 01/31131 to Zeng (“Zeng”) in view of U.S. patent No. 4,671,979 to Adiletta (“Adiletta”). For the reasons provided below, these rejections are traversed.

The pending independent claims 1, 25, and 50 all require “scrap inorganic fibers **containing formaldehyde-containing binder thereon . . .**”

In contrast, the combination of the Zeng and Adiletta references cited by the examiner does not disclose the claimed invention. In rejecting the claims, Examiner states that “Zeng expressly suggests the use of scrap wool glass fibers which at least renders obvious the use of scrap glass fibers that had been treated with a formaldehyde-containing binder on manufacture as well as the use of glass fiber blown insulation that has not been treated with a binder” (Office Action at page 3).

Zeng, however, teaches quite the opposite. Zeng teaches that the scrap wool fibers mentioned therein would not include any scrap glass fibers having formaldehyde-containing binder material thereon. Zeng states on page 2, lines 8 to 13, that the residual cured phenol-formaldehyde binder material found in conventional insulation product is not desired for the acoustical insulation product disclosed in Zeng because of the lumps/beads formed by such binder. As a solution to the problem, Zeng discloses an acoustical insulation product comprising primary mineral fibers and multi-component polymer fibers, wherein the multi-component polymer fibers function as the binder. (See Zeng’s Summary Of The Invention at page 4). So, Zeng’s disclosure teaches away from using phenol-formaldehyde binder material because of the physical structures formed by the cured phenol-formaldehyde binder material.

It flows from Zeng’s own teachings, then, when Zeng states on page 8, that “[o]ne of the advantages of using bale openers in making the insulation product 10 is that **scrap wool glass fibers** can be recycled and added to the fibrous mix,” the “scrap wool glass fibers” would not include any scrap glass fibers “containing formaldehyde-containing binder thereon” as required by the claims 1, 25 and 50. It is well known in the art that not all scrap wool glass fibers are scrap BI types that would contain cured formaldehyde-containing binder material on the glass fibers. For example, recycled scrap loose-fill or blown insulation fibers would not contain such cured binder material on the glass fibers.

And because Adiletta does not disclose the use of “scrap inorganic fibers containing formaldehyde-containing binder thereon” either, Adiletta can not correct the deficiency of Zeng. Therefore, Zeng and Adiletta, whether taken singly or in combination fail to disclose, teach or suggest the invention claimed in the independent claims 1, 25 and 50.

Furthermore, according to the Declaration of Alain Yang submitted herewith, the use of such scrap inorganic fibers in this type of product resulted in a beneficial result of a product with more loft and enhanced overall fiber matrix structural integrity compared to products made from rotary glass fibers that do not have any such binder material thereon. According to the Declaration, this benefit is attributed to the preset glass fiber matrix and the additional glass fiber to glass fiber bonding provided by the presence of the formaldehyde-containing binder material on the scrap fibers. These benefits would be unexpected or unknown to someone like Zeng, since he chose to replace the phenol-formaldehyde resin binder with polymer fiber binders in his product because residual cured phenol-formaldehyde binder is not desirable in his product. Therefore, the use of the scrap inorganic fibers containing formaldehyde-containing binder thereon, which is not disclosed in the cited prior art of record, Zeng and Adiletta, is patentably distinguishable from the prior art of record.

Accordingly, at least for the reasons presented above, claims 1, 25 and 50 are allowable over the cited references. Reconsideration and allowance over the cited references are requested of the independent claims 1, 25, 50 and all pending claims depending therefrom.

CONCLUSION

Applicants believe that the pending claims as amended are in condition for allowance. Reconsideration of the present application, withdrawal of the rejections and allowance of the pending claims are kindly requested. Should the examiner disagree with the Applicant's position, a telephone interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

No additional claim fee is believed due for the filing of this amendment and response.

Respectfully submitted,

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